

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

ALASKA RENT-A-CAR, INC.,)	
an Alaska Corporation,)	
)	
Plaintiff,)	
)	
v.)	
)	
CENDANT CORPORATION, et al.,)	
)	
Defendants.)	Case No. 3:03-cv-29 [TMB]
)	

STIPULATION AND ORDER REGARDING DM 28, 36, 37, 42, AND 43

Following hearings and mediation sessions with the parties, the Discovery Master finds and concludes and the parties agree as follows:

1. For the Budget Alaska Reservations list (26 pages) produced by defendants on January 3, 2006, the defendants shall produce the same document with the potential and known dollar value of reservations for each account for the years 2003, 2004, and 2005. With respect to: (1) the foregoing document, (2) Exhibits A, B, C, and Other produced on February 17, 2006, (3) the Avis equivalent documents to Exhibits A, B, C and Other produced on February 17, 2006, and (4) the Budget Alaska Reservations list and the Avis Alaska Reservations list produced on January 3, 2006, the defendants shall provide a knowledgeable 30(b)(6) witness as to the contents of the documents, the sources of data from which the documents were compiled, record keeping of source data, the steps taken to produce the data/documents, the uses and limitations on the use, if any, of such data, and national 'no show' and revenue/reservation variance rates. This deposition will be

limited to five (5) hours. The documents referred to in the first sentence of this paragraph shall first be delivered to the Discovery Master by April 1, 2006 for in camera review.

2. Notwithstanding the provisions of Paragraph 1, after defendants deliver the documents referred to in Paragraph 1 to Discovery Master Ruskin, but prior to any production of them to plaintiff and the testimony required by Paragraph 1, plaintiff shall provide a knowledgeable 30(b)(6) witness to testify regarding its alleged gains or losses of revenue for corporate accounts in 2003, 2004 and 2005, and the manner in which plaintiff tracks any reservations referred to it by any of the defendants, including whether plaintiff tracks no shows from such reservations, whether plaintiff tracks variances in the actual rental from the reservation referred, whether plaintiff has maintained business records on this information for years 2003, 2004, and 2005, and whether plaintiff reports any of this information to any of the defendants.

3. Regarding DM 28 Interrogatories 31, 33, and 34 in lieu of defendants providing additional responses to these interrogatories plaintiff shall be entitled to take the depositions of two—30(b)(6) witnesses regarding the state contracts on which those witnesses are account managers. These two witnesses will be selected by plaintiff. Plaintiff may also depose those witnesses as a 30(a) deponent regarding corporate accounts on which they have knowledge. In addition plaintiff may select two other account managers as 30(a) deponents. The account manager depositions shall not exceed four hours of actual deposition time per account manager.

4. In regards to DM 37 defendants will in good faith provide a summary of at least one page in responding to each contention Interrogatory 1, 2, and 7.

5. In regards to DM 42 in lieu of responding to Request for Production No. 1 defendants shall answer in sworn interrogatory format the following interrogatory: Explain the language in CPAF 103375 "per business review, this is a test of pricing Budget as secondary below Avis as primary," and whether such test occurred and the results of such test, if any.

6. It is the expectation of all parties that following a genuine good faith response to Paragraphs 1, 2, 3, 4, 5, and 7, and providing knowledgeable 30(b)(6) witnesses that no further discovery requests and/or depositions requests will be permitted on these items.

7. In regards to DM 36 the list of 18 items (plaintiff wanted produced) will be responded to by April 17, 2006 as set forth in the Transcript after the mediation session on March 17, 2006.

8. Stipulations or depositions, in lieu thereof, concerning AESOP, Avis 03898, and "Bids and Bidders" will be subject to further discussion or hearing. The stipulation regarding authentication of documents and request for production objections (vagueness) will be subject to further discussion or hearing.

9. In regards to DM 43 plaintiff will file a response.

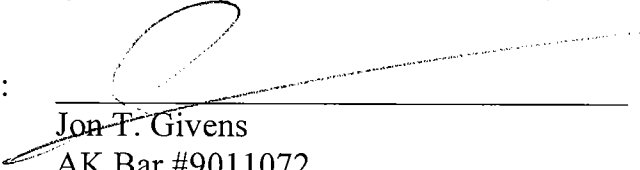
10. In regards to DM 41, plaintiff will file a motion for extension of time and a hearing.

11. DM 35 scheduling issues will be the subject of a separate order.

BANKSTON GRONNING O'HARA, P.C.
Attorneys for Plaintiff Alaska Rent-A-Car, Inc.

DATED: 4/11/06

By: _____


Jon T. Givens
AK Bar #9011072

DLA PIPER RUDNICK GRAY CARY LLP
Attorneys for Defendants

DATED: 4/12/06

By: Diane F. Vallentine
for John F. Dienelt
Washington D.C. Bar #110742

JERMAIN, DUNNAGAN & OWENS PC
Attorneys for Defendants

DATED: 4/12/06

By: Diane F. Vallentine
Diane F. Vallentine
AK Bar #7710177

ORDER

IT IS ORDERED.

DATED: 4-11-06 David B. Ruskin
DAVID B. RUSKIN
Discovery Master

CERTIFICATE OF SERVICE

I hereby certify that on April 11th, 2006 a copy of foregoing
Stipulation and Order Regarding DM 28, 36, 37, 42, and 43
was served electronically on Jon T. Givens, Diane F. Vallentine and on

John F. Dienelt
DLA Piper Rudnick Gary Cary US LLP
1200 Nineteenth Street NW
Washington, DC 20036-2430

Barry M. Heller
DLA Piper Rudnick Gary Cary US LLP
1775 Wiehle Avenue, Suite 400
Reston, VA 20190-5159

by regular U.S. Mail

s/David B. Ruskin